

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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Questions

- 1. Is there any evidence that the Youth Communist League (YCL) or other Maoists are now killing or otherwise seriously harming people in Kathmandu?**
- 2. Is there any evidence to suggest that supporters of the royal family are at risk in Kathmandu?**
- 3. To what extent does the state provide protection against such harm?**
- 4. Is Dolkha a place in which the Maoists are currently active or have been active in the past?**

RESPONSE

- 1. Is there any evidence that the Youth Communist League (YCL) or other Maoists are now killing or otherwise seriously harming people in Kathmandu?**

The Youth Communist League has been responsible for violent actions in recent times as is detailed in recent Research Responses which address this issue:

Youth Communist League (YCL)

There has also been ongoing concern that the cantonment process concentrated, in the main, on the ranks of Maoist regulars in the PLA but leaves the irregular forces of Maoist militias relatively unchecked. There has been a revival of activities by the Maoist militant youth wing, known as the Young Communist League (YCL). A number of sources report that YCL cadres have been involved in extortion, abductions, intimidation, threats and murder. OCHA reports that in January 2008 the CPN-M publicly reiterated that the party had given strict instructions to the YCL to refrain from using violence. Nevertheless, allegations of YCL violence continue (United Nations Office of the High Commissioner for Human Rights 2007, *Human Rights in Nepal: One year after the Comprehensive Peace Agreement*, Dec 2007, 12 December <http://www.reliefweb.int/rw/RWB.NSF/db900SID/LSGZ-79UJ7W?OpenDocument&rc=3&cc=npl> – Accessed 14 December 2007 – Attachment 23; International Crisis Group 2007, 'Nepal: Peace Postponed', 18 December – Attachment 15; UN Office for the Coordination of Humanitarian Affairs 2008, OCHA Nepal Situation

Overview, *Issue No. 20*, 1 January – 31 January, ReliefWeb website, [http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/MUMA-7BH8YW-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2008.nsf/FilesByRWDocUnidFilename/MUMA-7BH8YW-full_report.pdf/$File/full_report.pdf) – Accessed 21 February 2008 – Attachment 22; ‘Nepal: Maoists accused of fomenting political crisis’ 2008, ReliefWeb, source: *IRIN*, 19 February <http://www.reliefweb.int/rw/rwb.nsf/db900sid/LRON-7BYJ4D?OpenDocument&rc=3&cc=npl> – Accessed 21 February 2008 – Attachment 9). (RRT Country Research 2008, *Research Response NPL32974*, 26 February - Attachment 1)

In the excerpt above there are some specific references in these documents about the activities of YCL in Kathmandu such as:

- (i) ‘OHCHR field teams visited homes in Kathmandu where YCL had painted graffiti on the walls and threatened people.’ [United Nations Office of the High Commissioner for Human Rights 2007, *Human Rights in Nepal: One year after the Comprehensive Peace Agreement, Dec 2007*, 12 December – pp27].
- (ii) ‘The YCL can assert local influence, even in Kathmandu’ [International Crisis Group 2007, ‘Nepal: Peace Postponed’, 18 December –pp3];
- (iii) ‘On 14 January 2008, at least eight people were injured when a bomb went off in Kathmandu, minutes after a mass gathering of the SPA (Seven-Party Alliance) concluded. (UN Office for the Coordination of Humanitarian Affairs 2008, OCHA Nepal Situation Overview, *Issue No. 20*, 1 January – 31 January, ReliefWeb website – pp2].

Further information on Kathmandu is detailed here:

South Asia Terrorism Portal (SATP)

The SATP website includes a list of incidents of CPN-Maoist attacks, extortion, and abductions since the April 2006 cease-fire to date. These incidents include, among others, the targeting of those accused of pro-royal activities, and a number of members of the pro-royalist party, *Rastriya Prajatantra Party* (RPP) [National Democratic Party] (‘Incidents of CPN-Maoist targeting other parties since the April 2006 cease-fire’ 2008, South Asia Terrorism Portal website, last updated 6 January <http://www.satp.org/satporgtp/countries/nepal/database/targetingpartyceasefire.htm> – Accessed 24 January 2008 – Attachment 11; ‘Abductions by the CPN-Maoist since the April 2006 Cease-fire’ 2007, South Asia Terrorism Portal website, last updated 4 November <http://satp.org/satporgtp/countries/nepal/database/ceasefire.htm> – Accessed 24 January 2008 – Attachment 12; ‘Incidents of Extortion and Looting by the CPN-Maoist since the April 2006 cease-fire’ 2008, South Asia Terrorism Portal website, last updated 9 January <http://satp.org/satporgtp/countries/nepal/database/maoistextortion.htm> – Accessed 24 January 2008 – Attachment 13).

The SATP 2008 Assessment for Nepal notes that the nation “is clearly on edge”:

Throughout the year 2007, persisting political volatility as well as insurgent activity continued to augment Nepal’s instability. Though the number of insurgency-related fatalities has remained low, subversive activity of the CPN-Maoist continued to grow unchecked across the country. According to the Institute for conflict Management database, 95 persons have been killed this year (provisional data till December 13), including 55 civilians and 40 Maoists, against a total of 480 fatalities in 2006, which included, 61 civilians, 181 security force (SF) personnel and 238 insurgents. According to the Kathmandu-based Informal Sector Education Centre (INSEC), 20 people were killed by the SFs and 22 persons were killed by the Maoist youth wing, the Young Communist League (YCL) ever since the Comprehensive Peace Agreement (CPA) came into effect in November 2006. An INSEC report disclosed

that 772 people were abducted by the YCL over this period, adding that the Maoists were continuing with their illegal activities and violating the rights of the general people. It is, nevertheless, the case that the number of fatalities has declined dramatically since the Cease-fire Code of Conduct was signed between the Government of Nepal and CPN-Maoist on May 25, 2006.

... As the CPN-Maoist came over-ground to join the mainstream political process after its agreements with the Government, it revived its militant youth wing, the YCL in November 2006. The YCL, which was formed by the CPN-Maoist at some point (there is no definite information on the year of its creation) during the 'people's war' as an affiliate to provide support and energy to the 'revolution', is presently involved in activities including intimidation, extortion, looting, abduction attacks on members and cadres of other political parties. The YCL has reportedly received extensive training in unarmed combat and cadres openly carry knives, sticks, iron bars and other improvised weapons and have paraded themselves around the countryside and the Kathmandu region without fear or restriction since the CPA. Reports indicate that the YCL "is a group of highly trained commandos of the Maoists who, instead of being sent to the cantonments, have been deliberately kept in the open by the party high command to meet exigencies." It is also believed that the reactivation of the YCL and the appointment of top Maoist commanders as its leaders at a time when the United Nations Mission in Nepal (UNMIN) is conducting the verification of arms and armies of the Maoists is evidently a part of the grand strategy to keep Maoist cadres outside the scope of UNMIN scrutiny.

... There has been little significant change in terms of patterns of governance, with the interim Government constantly under threat from the Maoists and pressurised by other groups. With the Government simply unable to put its house in order, civil administration has been seriously undermined as the Maoists frequently attacked and closed the offices of the District Development Committees and also attacked the restored Police posts throughout the country (the posts had been closed down during the peoples' war phase). Similarly, there were reports of the Maoists running their own kangaroo courts to 'resolve' civil disputes, undermining the country's judicial system. The weakness of the state in this regard peaked when armed groups in the Terai region attacked the Village Development Committee (VDC) secretaries drawn from the hill region. VDC secretaries across the Terai resigned en masse in protest against the inability of the Government to provide security. In response, the Government has now deployed some Special Task Forces in Terai Districts ('Nepal Assessment 2008' (undated), South Asia Terrorism Portal website <http://satp.org/satporgtp/countries/nepal/index.html> – Accessed 24 January 2008 – Attachment 6).

(RRT Country Research 2008, *Research Response NPL32857*, 24 January - Attachment 2)

Another Research Response notes:

Recent security situation

The following reports detail the recent security situation in Nepal, indicating a general consensus that the escalating ethnic and political violence looks set to continue.

On 16 January 2008 *The Christian Science Monitor* reported that Nepal's twice-delayed elections have been scheduled for 10 April 2008, but violence continues in the meantime with some 130 people killed in protests in the Tarai, and another recent bomb explosion in Kathmandu. Commentators note that there is a "danger of intercommunal clashes and anarchy". The article states:

[T]he absence of a fully functioning government is taking a toll. The government has failed to fulfill several commitments, from giving assistance to the victims of the war to sorting out the Maoists' demand that their cadres be integrated into the Army. And in recent months, violence has flared in spots. In the southern plains area known as the Terai, home to more than half of Nepal's 26.4 million people, some 130 people have been killed in protests over the past year. On Monday, at least eight people were injured in a bomb explosion in the center of Kathmandu, where thousands had attended a mass rally at the start of campaigning for the elections.

Generally, Nepalis appear to be anticipating the polls, the country's first in nine years. But some analysts have expressed concern about potential disruption of the vote in the Terai, as well as the possibility of a third delay in voting nationally.

"Elections have to happen – they are the only glue and balm for Nepal," says Kanak Dixit, editor of Himal, a leading magazine. "If we don't make it to elections, the Maoists will become unstable; people in the Terai will agitate. There will be a danger of intercommunal clashes and anarchy" (Ridge, M. 2008, 'Nepal on edge ahead of polls', ReliefWeb website, source: *Christian Science Monitor*, 16 January <http://www.reliefweb.int/rw/RWB.NSF/db900SID/SHES-7AVT35?OpenDocument> – Accessed 17 January 2008 – Attachment 37).

The most recent report by the UN Security Council, released on 3 January 2008, states that:

[T]he overall security environment has become more volatile. Civil unrest and protests by various groups occurred regularly across the country. Tensions that arose following the postponement of the Constituent Assembly election for a second time exacerbated the already troubled law-and-order situation. Persisting disaffection among marginalized communities, and activities of armed groups and communal violence in the Terai, have all contributed to a tenuous security situation (UN Security Council 2008, *Report of the Secretary-General on the request of Nepal for United Nations assistance in support of its peace process*, S/2008/5, 3 January <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain/opendocpdf.pdf?docid=478735702> – Accessed 17 January 2008 – Attachment 22).

The latest OCHA Nepal situation overview, covering the period 9 November – 31 December 2007, states that "[b]ombings, killings, abductions, demand for ransom and other forms of threats aimed at political opponents and other persons continued to be reported" (UN Office for the Coordination of Humanitarian Affairs (OCHA) 2007, 'OCHA Nepal Situation Overview', *Issue No. 19*, 9 November – 31 December 2007, ReliefWeb website, 31 December <http://www.reliefweb.int/rw/RWB.NSF/db900SID/LSGZ-7APJSQ?OpenDocument&rc=3&cc=npl> – Accessed 17 January 2008 – Attachment 26).

A *Jane's Intelligence Review* article, dated 19 December 2007, also details the worsening security situation and mounting tensions, as well as the problem of political fragmentation, and concludes that a partial return to conflict appears to be the most likely outcome over the medium term (Mills, E. 'Static charge – Stalled progress sparks tensions in Nepal', *Jane's Intelligence Review*, 19 December – Attachment 24).

In December 2007, the United Nations Office of the High Commissioner for Human Rights released a comprehensive new report on human rights in Nepal. The report notes that the human rights situation had deteriorated rather than improved since the signing of the CPA in November 2006, and focuses in particular on the limited capacity of the State to protect the rights and security of the population (United Nations Office of the High Commissioner for Human Rights 2007, *Human Rights in Nepal: One year after the Comprehensive Peace*

Agreement, Dec 2007, 12 December

<http://www.reliefweb.int/rw/RWB.NSF/db900SID/LSGZ-79UJ7W?OpenDocument&rc=3&cc=npl>

– Accessed 14 December 2007 – Attachment 19).

RRT Country Research 2008, *Research Response NPL32600*, 21 January - (Attachment 3)

2. Is there any evidence to suggest that supporters of the royal family are at risk in Kathmandu?

In the Research Response cited above there is information on this matter:

UN Office of the High Commissioner for Human Rights (OHCHR)

In December 2007, the United Nations Office of the High Commissioner for Human Rights (OHCHR) released a comprehensive new report on human rights in Nepal. The report notes that the human rights situation had deteriorated rather than improved since the signing of the CPA in November 2006, and focuses in particular on the limited capacity of the State to protect the rights and security of the population. The report details a number of human rights violations by various armed groups, including CPN(M) cadres. According to the report, CPN(M) cadres have been responsible for a number of incidents of abductions, assaults, murder, and intimidation around the country. Motives varied, but the report states that “some were targeted due to their perceived royalist links” (United Nations Office of the High Commissioner for Human Rights 2007, *Human Rights in Nepal: One year after the Comprehensive Peace Agreement, Dec 2007*, 12 December

<http://www.reliefweb.int/rw/RWB.NSF/db900SID/LSGZ-79UJ7W?OpenDocument&rc=3&cc=npl>

– Accessed 14 December 2007 – Attachment 7).

As detailed in the above SATP assessment, the Young Communist League (YCL) is a CPN(M) creation, and “is presently involved in activities including intimidation, extortion, looting, abduction attacks on members and cadres of other political parties”. In June 2007 OHCHR released a report titled *Allegations of Human Rights Abuses by the Young Communist League (YCL)*. This report details a number of examples of the YCL targeting members of pro-royalist groups such as the *Rastriya Prajatantra Party-Nepal* (RRP-N), who “are viewed by the CPN-M/YCL as regressive forces”. However, OHCHR states: “It should be noted, at the same time, that there have been increasing numbers of incidents in which YCL and other CPN-M cadres have become targets of violence themselves” (‘Nepal Assessment 2008’ (undated), South Asia Terrorism Portal website

<http://satp.org/satporgtp/countries/nepal/index.html>

– Accessed 24 January 2008 –

Attachment 6; United Nations Office of the High Commissioner for Human Rights in Nepal

2007, *Allegations of Human Rights Abuses by the Young Communist League (YCL)*, June, p. 3

<http://nepal.ohchr.org/en/resources/documents/english/reports/ir/year2007/ycl.eng.pdf>

– Accessed 12 September 2007 – Attachment 16).

...

3. Do you have any information on violence against supporters of the monarchy in Kathmandu, in respect of possible relocation by the applicant?

According to the available information there has been some, but not many, recent violent incidents between anti- and pro-royalists in Kathmandu. The most recent occurred on 14 January 2008 when a bomb blast in Kathmandu allegedly targeted an anti-royalist rally. Sources report that supporters of the monarchy are seeking to disrupt the coming polls, and that royalist groups have threatened to start agitations. Sources, such as ICG, report that CPN(M) and YCL cadres can and do exert local influence in Kathmandu (Sharma, G. 2008, ‘Bomb wounds 8 in Nepal after anti-king rally’, *Reuters*, 14 January

<http://www.reuters.com/article/latestCrisis/idUSDEL38597>

– Accessed 24 January 2008 –

Attachment 33; 'Diehard royalists want grand birthday for crown prince' 2007, *Indo-Asian News Service*, 27 December – Attachment 34; International Crisis Group 2007, 'Nepal: Peace Postponed', 18 December, p. 3 – Attachment 4).
(RRT Country Research 2008, *Research Response NPL32857*, 24 January - Attachment 2)

A previous Research response reported violence against royalist political parties:

1. General information on current violent activities of Maoists against monarchists.

No information was found in the sources consulted regarding the recent use of violence by Maoists against monarchists generally. Recent incidences of violence have, however, been reported against royalist political parties including the Rastriya Prajatantra Party and the Rastriya Janashakti Party. The majority of the reported attacks were allegedly undertaken by the Maoist student organisations and some have been linked to the Youth Communist League. Sources state that despite the current cease fire arrangements Maoists have continued to use threats and intimidation against oppositional political parties as well as engaging in general violent activity and human rights abuses.

(RRT Country Research 2008, *Research Response NPL31796*, 4 June - Attachment 4)

3. To what extent does the state provide protection against such harm?

The following Research Response addresses this issue and notes that the Nepalese police lacks motivation:

An article dated 11 February 2008 from *Time International Asia* reports that there are fears that if political situation does not improve, the army may choose to step in:

Nepal's Maoists once tried to topple the state. Now they are leading the Himalayan nation's political transition from monarchy to republic. But old animosities threaten the country's rebirth.

... The security situation in a Nepal under cease-fire is dismal. During the civil war, both the Maoists and the Royal Nepalese Army held brutal sway over segments of the country, but now, as they wait in their camps, law and order has deteriorated. Reports filter in every week of kidnappings for ransom. Last December, a Swiss trekker was beaten up after refusing to pay money to a few rogue Maoists, a worrying sign for a country heavily reliant on the money brought in by foreign tourists. Many in Kathmandu blame the Youth Communist League (YCL), created by the Maoists less than a year ago, for much of the disorder. Red YCL banners around parts of Kathmandu urge Nepalis to report "suspicious, reactionary activity" to cell-phone numbers emblazoned on the cloth. As soon as night falls in the capital--which, as a bastion for the King's army, had been safe during all of the years of the civil war--the usually teeming streets grow deserted. "The police have no motivation at all right now," complains Kanak Dixit, editor of Himal magazine and an outspoken advocate of democracy. "There is an alarming surge in crime."

... Continued discord only strengthens the hand of the weakened King. Though the throne has lost much of its credibility under Gyanendra, many Nepalis still look to the institution as a source of stability and unity. "You can't legislate away the emotional link of the people," says Thapa. Others, including journalist Dixit, fear further squabbling and political anarchy could lead to a more ominous "right-wing backlash ... where royalist elements in the army would step in on the pretext of stability." Further heightening tensions, Prachanda, the Maoist leader, made noises as recently as November about returning the people's war to the jungle if progress toward a republic wasn't made. "Either through [the Maoists] or through the army,"

warns royalist Thapa, “we are going to see some sort of authoritarian solution” (Tharoor, I. 2008, ‘Rebels With a Cause’, *Time International Asia*, ed. 34, vol. 171, issue 5, 11 February – Attachment 28).
(RRT Country Research 2008, *Research Response NPL32974*, 26 February - Attachment 1)

4. Is Dolkha a place in which the Maoists are currently active or have been active in the past?

Several news reports confirm continuing Maoist activity in the Dolkha district; a selection is attached:

KATMANDU, Nepal (AP) - Nepalese army soldiers Saturday raided a Maoist rebel base in the country's east, killing at least 15 guerrillas - including eight female fighters, officials said.

One army soldier was wounded in the ensuing gunbattle and two civilians were injured in the cross fire, ministry spokesman Bhupendra Poudel said.

The Maoist camp was located near Shailejguswor village in **Dolkha** district, about 120 kilometers (75 miles) east of the capital, Katmandu. The injured were flown to the army hospital in Katmandu for treatment.

State-run Nepal Television aired army footage of the rebels killed in the attack.

Officials in **Dolkha**, who spoke on the customary condition of anonymity, said eight female and seven male rebels were killed during the attack. They were part of a group extorting money from villagers to fund their war against the government, the officials said.

Security forces recovered explosives and ammunition from the camp, and fuse and wire used to detonate bombs.

(Binaj Gurubacharya, 2002 ‘Nepal soldiers kill 15 Maoist rebels in raid’, *Associated Press Newswires*, 4 August – Attachment 5)

In 2006 - the National Human Rights Commission (NHRC) stated

once again urged Maoists to prove their commitment vowed toward protection of human rights and humanitarian laws in practice and release those civilians abducted by them from different parts of the country recently. Issuing a statement, Friday [13 January] NHRC said it has received a number of complaints regarding abduction and intimidation of civilians by the rebels in various districts, including **Dolkha**, Dhading and Bara.

In **Dolkha** district, the Maoists kidnapped Nar Bahadur Neupane, a resident of Jafe VDC-4 [Village Development Committee], on simple charges of his son being a soldier in the Royal Nepal Army. Later, Maoists freed him on condition that he would pay them a ransom money worth 50,000 rupees, or else he would be killed, the statement said.

(‘Nepal commission again urges Maoists to prove rights commitment’ 2006, *BBC Monitoring South Asia*, 13 January – Attachment 6)

More recently:

Kathmandu, July 29 (PTI) An indefinite curfew was today clamped in Nepal's **Dolkha** district following clash between Maoists and police after the former rebels assaulted the top district administrator.

The administration office issued the order with curfew coming into force in district headquarters Charikot from 5 pm (local time) today, officials said.

Charikot, 75 km east of Kathmandu, remained tense the whole day following the incident. Police fired in the air and hurled tear gas shells to contain the situation, they said.

Police intervened after the Maoist cadres assaulted **Dolkha** Chief District Administrator Uddhav Bahadur Thapa, who sustained injury in his right eye.

Maoist activists including members of Young Communist League rallied into the administration office in dozens of motorcycles today noon.

Breaking through the police cordon, the activists dragged Thapa out of office, assaulted and asked him to withdraw a criminal case against a local Maoist leader, Bishal Khadka.

The district administration had filed a case against the Maoist leader under the Public Security Act for smearing black colour on former District Development Committee chairman Sundar Prakash Khadka, a King loyalist, a few days back.

After vandalizing the district administration office, the Maoist and YCL cadres damaged pro-King Rastriya Prajatantra Party office at the heart of Charikot bazaar.

The police then used force to disperse the angry Maoists after they pelted stones at them from nearby houses.

A cameraman of Kantipur Television Kedar Siwakoti, a policeman and a commuter were injured in the incident.

(‘Curfew clamped in Nepal after Maoist violence’ 2007, *The Press Trust of India Limited*, 29 July – Attachment 7)

List of Sources Consulted

Internet Sources:

Government Information & Reports

UK Home Office website <http://www.ind.homeoffice.gov.uk>

US Department of State website <http://www.state.gov>

Immigration and Refugee Board Canada <http://www.irb-cisr.gc.ca/>

United Nations (UN)

UN High Commissioner for Refugees (UNHCR) website <http://www.unhcr.ch/cgi-bin/texis/vtx/home>

Non-Government Organisations

Amnesty International website <http://www.amnesty.org/>

Human Rights Watch (HRW) website <http://www.hrw.org/>

International News & Politics

BBC News website <http://news.bbc.co.uk/>

Region Specific Links

The Tribune (India) www.tribuneindia.com

Kantipur Publications Pvt. Ltd.

First Nepali Media House to be the member of WAN (World Association of Newspapers).
<http://www.kantipuronline.com/aboutus.php>

Search Engines

AlltheWeb search engine <http://www.alltheweb.com/>

Google search engine <http://www.google.com.au/>

Ask.com search engine <http://www.ask.com>

Yahoo search engine <http://search.yahoo.com>

Copernic search engine

Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Country Research database, including Amnesty International, Human Rights Watch, US Department of State Reports)

MRT-RRT Library Catalogue

List of Attachments

1. RRT Country Research 2008, *Research Response NPL32974*, 26 February.
2. RRT Country Research 2008, *Research Response NPL32857*, 24 January.
3. RRT Country Research 2008, *Research Response NPL32600*, 21 January.
4. RRT Country Research 2008, *Research Response NPL31796*, 4 June.
5. Binaj Gurubacharya, 2002 'Nepal soldiers kill 15 Maoist rebels in raid', *Associated Press Newswires*, 4 August. (FACTIVA)
6. 'Nepal commission again urges Maoists to prove rights commitment' 2006, *BBC Monitoring South Asia*, 13 January. (FACTIVA)
7. 'Curfew clamped in Nepal after Maoist violence' 2007, *The Press Trust of India Limited*, 29 July. (FACTIVA)